



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

January 23, 19898

Ms. Darlene Jackson  
Orange County Water Control  
& Improvement District No. 1  
P. O. Box 1267  
Vidor, Texas 77662

Dear Ms. Jackson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 5380; this decision is OR89-036.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

You have asked whether the District must release a copy of a tape of a public meeting. You did not state whether the District had received a request for the tape itself, nor did you cite any exceptions to disclosure under the act. This office has previously held that tapes of public meetings must be disclosed to the public. Under section 3B of the Open Meetings Act, V.T.C.S. art. 6252-17, minutes or tapes of open meetings are expressly made public records and shall be available for inspection or copying by the public regardless of whether the minutes or tapes have been "approved." See also Open Records Decision No. 225 (1979); 32 (1974).

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Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-036.

Yours very truly  
*Open Government Section*  
*of the Opinion Committee* *PR*  
Open Government Section  
of the Opinion Committee  
Prepared by Patricia Barnhard  
Assistant Attorney General

PB/bc

Ref.: ID# 5380